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CRR 878 of 2018
IA NO: CRAN 1 of 2019 (Old No: CRAN1544 OF 2019)
CRAN 2 of 2023
CRAN 3 of 2023

Sri Amalendu Ghosh
Vs.
State of West Bengal & Anr.

Mr. Prithwish Roy Chowdhury. ... for the petitioner.

Ms. Kavita Saraff. ... for the opposite party no.2.

CRAN 3 of 2023

1. Both learned counsel appearing on behalf of the parties to this revisional application are present.
2. It is submitted on behalf of the petitioner that there is delay of 1339 days in filing this revisional application challenging the judgment and order of conviction passed by the learned Judicial Magistrate, 1st Court Sealdah, 24 Parganas, South in connection with C Case No. 75 of 2010.
3. The delay has been explained in the petition is satisfactorily and delay is condoned.
4. Accordingly, CRAN 3 stands disposed of.

CRAN 2 of 2023

5. This application has been filed with a prayer for restoration of revisional application, which was dismissed for default on 17.02.2020.

6. For the ends of justice and in view of the pleadings made in the application for restoration, the revisional application stands restored to its original file and number.
7. Accordingly, CRAN 2 stand disposed of.

CRR 878 of 2018

8. This revisional application has been filed challenging the order of learned Additional District Judge, 1st Court, Sealdah in connection with Criminal Appeal No. 51 of 2017, whereby learned Judge refused the prayer for condonation of delay of 789 days in filing appeal and dismissed the appeal with a direction upon the petitioner/convict to surrender before the learned Judicial Magistrate, 1st Court Sealdah, 24 Parganas, South in the case bearing No. 75 of 2010 under Section 138 of the Negotiable Instruments Act, to serve sentence.
9. Both the parties adduced evidence and documents were admitted in evidence. Learned Magistrate after evaluation of evidence found the appellant guilty of committing offence under Section 138 of the Negotiable Instruments Act and sentenced him to suffer simple imprisonment for one year and also directed to pay compensation of Rs.90,000/- to the complainant within two months from the date of this judgment, in default, complainant will be at liberty to

realise the same in accordance with the law.

10. Learned counsel appearing on behalf of the petitioner has handed over three demand draft to the tune of Rs.1,50,000/- to the learned counsel appearing on behalf of the opposite party No.2.
11. Learned counsel appearing on behalf of the petitioner has submitted that petitioner is completely bedridden and in this facts and circumstances he prays for reducing the sentence.
12. Learned counsel appearing on behalf of the opposite party No.2 raised no objection in this regard.
13. Considering the nature of the legislation as well as codification of Section 147, it comes to my view that dispute regarding the parties may be compounded even at the stage of appeal. Considering the payment of compensation to the tune of Rs.1,50,000/- i.e. doubled the amount of compensation ordered by the learned Magistrate, I am of the view that the substantive sentence should be reduced to compensation of Rs.1,50,000/- only, instead of remanding the case to the Court of learned Additional Sessions Judge, 1st Court Sealdah for hearing of appeal afresh which will not serve purpose of administration of substantial justice.
14. It is needless to mention that petitioner has already paid the compensation amount of Rs.1,50,000/- to the opposite party No.2.

15. Learned counsel appearing on behalf of the petitioner has submitted that warrant is pending against the petitioner. Warrant, if issued, be recalled. The accused/petitioner be set at liberty at once.
16. With the aforesaid observation, the revisional application stands disposed of.
17. Connected application, if any, stands disposed of.
18. All parties shall act on the server copies of this order duly downloaded from the official website of this Court.
19. Urgent photostat certified copy of the order, if applied for, be given to the parties on usual undertakings.

(Bibhas Ranjan De, J.)